

United States District Court
Southern District of Texas
FILED

JAN 29 2008

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

61 7

UNITED STATES OF AMERICA

v.

CARLOS BORJAS
JUAN JESUS RIVERA
JUAN ELADIO RIVERA
GUALBERTO RIVERA
JUAN MANUEL HERRERA

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Criminal No.

M-08-112

SEALED INDICTMENT

THE GRAND JURY CHARGES:

Count One

On or about April 26, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was less than 500 grams, that is, approximately 142 grams of Cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

Count Two

On or about April 26, 2007, in the Southern District of Texas and within the jurisdiction of the Court, defendant

CARLOS BORJAS

knowingly carried and used a firearm, namely, a Bushmaster, model XM15-E2S, caliber .223, a semi-automatic short-barreled rifle, serial number L246193, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession with intent to distribute a controlled substance, as described in Count One above.

In violation of Title 18, United States Code, Section 924(c)(1)(B)(i).

Count Three

On or about April 26, 2007, in the Southern District of Texas and within the jurisdiction of the Court, defendant

CARLOS BORJAS

knowingly carried and used a firearm, namely, a Norinco, model MAK-90, caliber 7.62x39mm, machinegun, serial number 9347213, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession with intent to distribute a controlled substance, as described in Count One above.

In violation of Title 18, United States Code, Section 924(c)(1)(B)(ii).

Count Four

On or about December 29, 2006, in the Southern District of Texas, and within the jurisdiction of the court, defendant

JUAN JESUS RIVERA

knowingly received and possessed firearms, namely, a Rock River Arms, Model Lar-15, caliber .223 semi-automatic short-barreled rifle, serial number CM66286; a black firearms silencer designed to fit an Intratec; model AB-10, caliber 9mm semi-automatic pistol; a black firearm silencer attached to Browning model Buck Mark, caliber .22 semi-automatic pistol, serial number 655NM03085, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Count Five

On or about January 11, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendants

**JUAN JESUS RIVERA
and
JUAN ELADIO RIVERA**

knowingly received and possessed firearms, namely, a High Standard Manufacturing Company, model HSA-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a Winchester, model 43, caliber .22 Hornet, any other weapon, serial number 8185; a firearms silencer attached to a Winchester, model 43, caliber .22 Hornet, any other weapon, serial number 8185, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871 and Title 18, United States Code, Section 2.

Count Six

On or about January 24, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendants

**JUAN JESUS RIVERA
and
GUALBERTO RIVERA**

knowingly received and possessed firearms, namely, a DPMS, Model A-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a firearms silencer attached to DPMS, Model A-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a PAC West Arms, Model Commando, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a firearm silencer attached to a PAC West Arms, Model

Commando, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; and a firearm silencer attached to a Stag Arms, model Stag 15, caliber .223 semi-automatic rifle, with an obliterated serial number, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871 and Title 18, United States Code, Section 2.

Count Seven

On or about February 27, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

JUAN ELADIO RIVERA

knowingly received and possessed firearms, namely, a Bushmaster, model Carbon 15, caliber .223 semi-automatic short-barreled rifle, serial number E15328; a Romarm, model SAR-1, caliber 7.62x39mm machinegun, serial number S1-75744-2003, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Count Eight

On or about March 29, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

knowingly received and possessed firearms, namely, a Century Arms International, Inc., model M70B1, caliber 7.62x39mm, machinegun, serial number 86024 and a DPMS, model A-15, caliber .223 machinegun, partial serial number F03 the remainder being obliterated, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Count Nine

On or about April 19, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

knowingly received and possessed firearms, namely, a DPMS, model A-15, caliber .223 machinegun, serial number F064403K and a DPMS, model A-15, caliber .223 machinegun, serial number F032598K, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Count Ten

On or about April 26, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

knowingly received and possessed firearms, namely, a Bushmaster, model XM15-E2S, caliber .223, a semi-automatic short-barreled rifle, serial number L246193 and a Norinco, model MAK-90, caliber 7.62x39mm machinegun, serial number 9347213, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Count Eleven

On or about December 29, 2006, in the Southern District of Texas, and within the jurisdiction of the court, defendant

JUAN JESUS RIVERA

knowingly and unlawfully transferred firearms, namely, a Rock River Arms, Model Lar-15, caliber .223 semi-automatic short-barreled rifle, serial number CM66286; a black firearms silencer designed to fit an Intratec AB-10, caliber 9mm semi-automatic pistol; a black firearm silencer attached to model Buck Mark, caliber .22 semi-automatic pistol, serial number 655NM03085, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871.

Count Twelve

On or about January 11, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendants

**JUAN JESUS RIVERA
and
JUAN ELADIO RIVERA**

knowingly and unlawfully transferred firearms, namely, a High Standard Manufacturing Company, model HSA-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a Winchester, model 43, caliber .22 Hornet, any other weapon, serial number 8185; a firearms silencer attached to a Winchester, model 43, caliber .22 Hornet, any other weapon, serial number 8185, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871 and Title 18 United States Code, Section 2.

Count Thirteen

On or about January 24, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendants

**JUAN JESUS RIVERA
and
GUALBERTO RIVERA**

knowingly and unlawfully transferred firearms, namely, a DPMS, Model A-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a firearms silencer attached to DPMS, Model A-15, caliber .223 semi-automatic short barreled rifle, with an obliterated serial number; a PAC West Arms, Model Commando, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a firearm silencer attached to a PAC West Arms, Model Commando, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; and a firearm silencer attached to a Stag Arms, model Stag 15, caliber .223 semi-automatic rifle, with an obliterated serial number, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871 and Title 18, United States Code, Section 2.

Count Fourteen

On or about February 27, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

JUAN ELADIO RIVERA

knowingly and unlawfully transferred firearms, namely, a Bushmaster, model Carbon 15, caliber .223 semi-automatic short-barreled rifle, serial number E15328; a Romarm, model SAR-1, caliber 7.62x39mm machinegun, serial number S1-75744-2003, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871.

Count Fifteen

On or about March 29, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

knowingly and unlawfully transferred firearms, namely, a Century Arms International, Inc.,

model M70B1, caliber 7.62x39mm, machinegun, serial number 86024 and a DPMS, model A-15, caliber .223 machinegun, partial serial number F03 the remainder being obliterated, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871.

Count Sixteen

On or about April 19, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

knowingly and unlawfully transferred firearms, namely, a DPMS, model A-15, caliber .223 machinegun, serial number F064403K and a DPMS, model A-15, caliber .223 machinegun, serial number F032598K, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871.

Count Seventeen

On or about April 26, 2007, in the Southern District of Texas, and within the jurisdiction of the court, defendant

CARLOS BORJAS

knowingly and unlawfully transferred firearms, namely, a Bushmaster, model XM15-E2S, caliber .223, a semi-automatic short-barreled rifle, serial number L246193 and a Norinco, model MAK-90, caliber 7.62x39mm machinegun, serial number 9347213, to another person.

In violation of Title 26, United States Code, Sections 5841, 5861(e), and 5871.

Count Eighteen

On or about December 29, 2006, in the Southern District of Texas and within the jurisdiction of the court, defendant

JUAN JESUS RIVERA

having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely, in the 185th Texas District Court, in Harris County, Texas, on April 21, 2004, in cause number 975485, for possession of marijuana, did knowingly possess in and affecting interstate and foreign commerce firearms, namely, a Rock River Arms, Model Lar-15, caliber .223 semi-automatic short-barreled rifle, serial number CM66286; Intratec, Model AB-10, caliber 9mm semi-automatic pistol, serial number A025854; a black firearms silencer designed to fit an Intratec AB-10, 9mm; a Browning model Buck Mark, caliber .22 semi-automatic pistol, serial number 655NM03085; a black firearm silencer attached to model Buck Mark, caliber .22 semi-automatic pistol, serial number 655NM03085; and a Walther, model P 5 Compact, caliber 9mm semi-automatic pistol, serial number 150916.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count Nineteen

On or about January 24, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

JUAN JESUS RIVERA

having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely, in the 185th Texas District Court, in Harris County, Texas, on April 21, 2004, in cause number 975485, for possession of marijuana, did knowingly possess in and affecting interstate and foreign commerce firearms, namely, a DPMS, Model A-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a firearms silencer attached to DPMS, model A-15, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; a PAC West Arms, model Commando, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial

number; a firearm silencer attached to a PAC West Arms, Model Commando, caliber .223 semi-automatic short-barreled rifle, with an obliterated serial number; and a Stag Arms, model Stag 15, caliber .223 semi-automatic rifle, with an obliterated serial number; a firearm silencer attached to a Stag Arms, model Stag 15, .223 caliber semi-automatic rifle, with an obliterated serial number.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count Twenty

On or about August 24, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

JUAN JESUS RIVERA

having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely, in the 185th Texas District Court, in Harris County, Texas, on April 21, 2004, in cause number 975485, for possession of marijuana, did knowingly possess in and affecting interstate and foreign commerce firearms, namely, a S.G.W., model XM 15A1, caliber .223 semi-automatic rifle, serial number 8459 and a DPMS, model A-15, caliber .223 semi-automatic rifle, serial number F038709K.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count Twenty-One

On or about September 6, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

JUAN JESUS RIVERA

having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely, in the 185th Texas District Court, in Harris County, Texas, on April 21, 2004, in cause number 975485, for possession of marijuana, did knowingly possess in and affecting interstate and

foreign commerce firearms, namely, a Bushmaster, model XM15-E2S, caliber .223 semi-automatic rifle, with an obliterated serial number and a FN Herstal, model Five-seveN, caliber 5.7x28mm semi-automatic pistol, with an obliterated serial number.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Count Twenty-Two

On or about September 6, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

JUAN MANUEL HERRERA

knowingly possessed a firearm, namely, a Bushmaster, model XM15-E2S, caliber .223 semi-automatic rifle, with an obliterated serial number and a FN Herstal model Five-seveN, caliber 5.7x28mm semi-automatic pistol, that had been shipped and transported in interstate and foreign commerce, from which the manufacturer's serial number had been removed, altered and obliterated.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

Count Twenty-Three

On or about February 27, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

JUAN ELADIO RIVERA

did knowingly possess and transfer a machinegun, namely, a Romarm, model SAR-1, caliber 7.62x39mm machinegun, serial number S1-75744-2003.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

Count Twenty-Four

On or about March 29, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

CARLOS BORJAS

did knowingly possess and transfer machineguns, namely, a Century Arms International, Inc., model M70B1, caliber 7.62x39mm, machinegun, serial number 86024 and a DPMS, model A-15, caliber .223 machinegun, partial serial number F03 the remainder being obliterated.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

Count Twenty-Five

On or about April 19, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

CARLOS BORJAS

did knowingly possess and transfer a machinegun, namely, a DPMS, model A-15, caliber .223 machinegun, serial number F064403K and a DPMS, model A-15, caliber .223 machinegun, serial number F032598K.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

Count Twenty-Six

On or about April 26, 2007, in the Southern District of Texas and within the jurisdiction of the court, defendant

CARLOS BORJAS

did knowingly possess and transfer a machinegun, namely, a Norinco, model MAK-90, caliber 7.62x39mm machinegun, serial number 9347213.

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

A TRUE BILL


FOREPERSON

DONALD J. DeGABRIELLE, JR.
UNITED STATES ATTORNEY


ASSISTANT UNITED STATES ATTORNEY